

1 Nico Banks, Esq.
2 nico@bankslawoffice.com
3 Filing on behalf of all Plaintiffs
4 CA Bar No. 344705
5 Banks Law Office
6 712 H St NE,
7 Unit #8571,
8 Washington, DC 20002
9 Tel.: 971-678-0036

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAVID HOUGH; *et al.*

Plaintiffs,

vs.

RYAN CARROLL; *et al.*

Defendants.

) Case No.: 2:24-cv-02886-WLH

) **PLAINTIFFS' EX PARTE MOTION**
) **FOR CONTINUANCE**
) **REGARDING DEFENDANTS'**
) **MOTION TO DISMISS AND**
) **MOTION TO COMPEL**
) **ARBITRATION**

) Action Filed: April 9, 2024

) Trial Date: N/A
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**PLAINTIFFS' EX PARTE MOTION FOR CONTINUANCE REGARDING
DEFENDANTS' MOTION TO DISMISS AND MOTION TO COMPEL
ARBITRATION**

Plaintiffs respectfully request that the Court continue the hearing currently scheduled for June 7, 2024 regarding Defendants' motion to dismiss and motion to compel arbitration. Plaintiffs propose that Defendants be ordered re-file and re-calendar those motions (modified as necessary to address Plaintiffs' new allegations) after Plaintiffs amend their complaint on Monday, May 20th, 2024. In the alternative,

1 Plaintiffs respectfully request that the Court extend their time to submit opposition
2 briefs to those motions from the current due date (May 17, 2024) until May 22, 2024.

3 As noted at the prior hearing, Plaintiffs intend to amend their complaint by
4 Monday, May 20th. The amendment will propose a putative class and add, as
5 representatives of that putative class, four additional plaintiffs to this case whose
6 claims are not arbitrable because last week, Wealth Assistants waived its right to
7 compel those claims to arbitration by failing to timely pay arbitration fees after those
8 individuals initiated the arbitration. If the proposed class is certified, the motion to
9 compel the current plaintiffs to arbitration will be either moot or unimportant
10 because, whether or not the current plaintiffs are compelled to arbitration, they will
11 remain members of the putative class.
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13 The amendment will also add additional allegations related to personal
14 jurisdiction. In particular, the amendment will add allegations clarifying that certain
15 of the defendants are alter egos of other defendants that are within the court's
16 jurisdiction. As such, the previously submitted motion to dismiss based on personal
17 jurisdiction will be moot.
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2 Dated: May 15, 2024

3 /s/Nico Banks
4 Nico Banks, Esq.
5 Banks Law Office
6 Bar No. 344705
7 Tel.: 971-678-0036
8 nico@bankslawoffice.com
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10 Unit #8571,
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MEMORANDUM OF CONTACT INFORMATION

Counsel for Defendants is William Shibley, who can be reached at 562-716-4040 and at william@lloydmousilli.com.

/s/Nico Banks

Nico Banks

Dated: May 15, 2024

CERTIFICATE OF CONFERRAL

On May 14 and May 15, 2024, I conferred with William Shibley—counsel for Defendants in this matter—via email regarding this request for a continuance. Mr. Shibley stated that his clients would not give him authority to consent to the continuance. I then called Mr. Shibley at 4:00 p.m. pacific time on May 15, 2024 to ask if he would be willing to agree to extend Plaintiffs’ time to respond to the motions in the event that the court did not grant Plaintiffs’ request for a continuance. Mr. Shibley stated that he would need to consult with his colleagues in Texas about that request the following day because it was after business hours in Texas. I told Mr. Shibley that I would need to file the *ex parte* motion tonight, but that if he agreed to any part of the *ex parte* motion, he could notify the court and me the following day.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements in this Certificate of Conferral are true and correct.

/s/Nico Banks

Nico Banks

Dated: May 15, 2024

CERTIFICATE OF SERVICE

On May 15, 2024, I served this brief via email to William Shibley at william@lloydmousilli.com.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements in this Certificate of Service are true and correct.

/s/Nico Banks

Nico Banks

Dated: May 15, 2024